

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TENN.

OCT - 7 2009

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE
CASE NO. _____

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**ANTHONY G CLARKE,
PAUL W, MARSHALL
PETITIONERS**

OCT - 7 2009

**U.S. DISTRICT COURT
MID. DIST. TENN.**

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**V
PRESIDENT BARRACK HUSSIEH OBAMA, JR.,
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; SHAUN DONOVAN
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES; KATHELEEN SEBELIUS**

RESPONDENTS

**PETITION FOR TEMPORARY RESTRAINING ORDER (TRO) CHANGE OF JURISDICTION,
AND PRODUCTION OF DOCUMENTS**

COMES NOW THE PETITIONERS IN THE ABOVE TITLED ACTION AND REQUESTS THIS COURT TO ISSUE ORDER TO THE RESPONDENTS TO PRODUCE DOCUMENTS, PART OF DISCOVERY AND FURTHER ISSUE A TEMPORARY RESTRAINING ORDER (TRO) THAT WHICH TO RESTRAIN THE RESPONDENTS FROM THE USE AND CONCEALMENT AND DESTRUCTION OF THE PETITIONERS/COMPLAINANTS INFORMATION PROVIDED TO THE OFFICE OF INSPECTOR GENERAL REGION 8 OFFICE OF THE U.S. DEPARTMENT OF URBAN, DEVELOPMENT AND RECEIPT OF ALL FEDERAL GRANTS BEING RECEIVED BY THE STATE OF COLORADO HOUSING AND MEDICAID MEDICARE PROGRAMS BASED UPON THE FOLLOWING GROUNDS;

1. THE RESPONDENTS EITHER DIRECTLY OR INDIRECTLY HAS KNOWLEDGE AND INFORMATION RELATED TO TWO COMPLAINTS FILED WITH THE OFFICE OF INSPECTOR GENERAL IN 1998 IN THE EXECUTIVE SUMMARY PAGE ONE (1) OF THE CITY AND COUNTY OF DENVERS HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM AND HOME INVESTMENTS AND BROTHERS REDEVELOPMENT AUDIT REPORTS PURSUANT TO THE TEAPOT COMPLAINT FILED BY ANTHONY G. CLARKE ON APRIL 20, 1998 DOCKET NO. 08-98-0153X, AND THE HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS 9 PAGE COMPLAINT #18508013DE FILED JOINTLY BY THE PETITIONER AND PAUL W. MARSHALL ON OR ABOUT JULY 1 1997. AND WHICH WERE DESTROYED UNDER THE HUD SCHEDULE DISPOSITION AND PAPER REDUCTION ACT DURING AN ONGOING ADMINISTRATIVE PROCESS AND INVESTIGATION OF THE MISUSE AND FRAUD OF THE FEDERALLY FUNDED HOUSING PROGRAM FOR PERSONS WITH DISABILITIES (HOPWA PROGRAM)
2. ON JULY 6, 2009 THE RESPONDENTS RESPONDED TO A FOIA REQUEST MADE BY ANTHONY G. CLARKE AND PAUL W. MARSHALL WHICH WAS FILED IN THE FOIA OFFICE OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT REGION 8 OFFICE ON MAY 5, 2009. THIS FOIA REQUEST PRODUCED 2,615 PAGES OF CORRESPONDENCE RELATED TO THE TWO COMPLAINTS THAT SUGGESTED AND HAD BEEN CONSIDERED IN AN AUDIT INVESTIGATION OF THE CITY AND COUNTY OF DENVERS HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS PROGRAM PROJECT SPONSORS, GOVERNMENT OFFICIALS, DOCTORS ATTORNEYS, REAL ESTATE AGENTS IN THE REGION 8 CITY AND COUNTY OF DENVER WHOM VIOLATED MANDATES OF THE HOPWA PROGRAM. THIS WAS ALSO RECOGNIZED BY A DISTRICT COURT JUDGE PAUL MARKSON IN CASE NO 1999- CV- 001518 FILED MARCH 15, 1999.
3. FOIA REQUESTS HAD BEEN FILED WITH THE REGION 8 OFFICE THE RESPONDENTS CONTINUOUSLY USE METHODS THAT WOULD DIRECTLY OR INDIRECTLY PREVENT THE PETITIONERS/COMPLAINANTS FROM ALL PARTICIPATION IN THE ADMINISTRATIVE PROCESSES OF THEIR COMPLAINTS FILED WITH THE FAIR HOUSING

AND OFFICE OF INSPECTOR GENERAL. BASED ON THE TEA POT COMPLAINT PROCESS WHICH TO PREVENT COMPLAINTS MADE AGAINST GOVERNMENT ENTITIES INVOLVED IN ANY MORTGAGE, EQUITY SKIMMING AND PROGRAMS FRAUD/SCHEMES BEING RECOGNIZED UNDER A CONSOLIDATED PLAN WHICH THEN IN 1994 THROUGH 1999 VIOLATED SECTION 504 OF THE REHABILITATION ACT OF THE AMERICANS WITH DISABILITIES AND PERSONS OF LOW INCOME.


4. THE PETITIONERS, ANTHONY G. CLARKE, AND PAUL MARSHALL, FILED FOIA REQUESTS TO THE REGION 8 OFFICE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN BEGINNING OF MARCH 2000 THROUGH TO OCTOBER 6, 2008 TO PRODUCE ANY DOCUMENTS AND MATERIALS RELATED TO BOTH THE ABOVE REFERENCED COMPLAINT NUMBERS AND AUDIT INVESTIGATIONS CONSIDERED BY THE USE OF THE PETITIONERS COMPLAINTS AND INFORMATION. THAT IN EACH CASE REGION 8 HUD OFFICE CLAIMED THE COMPLAINTS AND DOCUMENTS WERE DESTROYED HOWEVER ACCORDING TO A RECENT RESPONSE BY THE REGION 8 OFFICE OF FOIA LIAISON DEBORAH GRISWOLD WHO CLAIMED TO BE THAT BUT IN FACT IS THE REGIONAL DIRECTOR AND JOHN DEBELLA IS THE FOIA REQUEST OFFICER FOUND 2,615 DOCUMENTS RELATED TO THE FOIA REQUEST #09-FI-RO8-01591. (HEREIN ATTACHED). THE PETITIONERS WERE INFORMED IN ANOTHER CORRESPONDENCE BY HUD THAT IN ORDER TO RECEIVE THE REQUESTED INFORMATION THE PETITIONERS WOULD HAVE TO SUBMIT ANOTHER FOIA REQUEST FOR WAIVER OF FEES AND OR PAY 472.00 DOLLARS AND 100 PAGES WERE FREE. HUD STATED THAT IT MUST RECEIVE A PAYMENT FIRST IN ORDER TO RECEIVE THE 100 FREE PAGES AND THE REMAINING 2,515 PAGES.
5. THE PETITIONERS/COMPLAINANTS PROVIDED COMPLAINTS ABOUT THIS MISUSE AND FRAUD BY SEVERAL ENTITIES OF GOVERNMENT IN THE STATE OF COLORADO CITY AND COUNTY OF DENVER PRIOR TO FILING COMPLAINTS WITH THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OFFICE OF INSPECTOR GENERAL HOTLINE. (HEREIN ATTACHED).
6. THE PETITIONERS/COMPLAINANTS FILED SEVERAL COMPLAINTS WITH THE U.S. DISTRICT COURT IN COLORADO. THE PETITIONERS/COMPLAINANTS HAD DISCOVERED THAT SEVERAL OF THE MAGISTRATES AND JUDGES WERE DOING BUSINESS WITH STRAWBUYERS AND STRAWBORROWERS AND OWNED OR HAD AN FINANCIAL INTERESTS IN MANY CORPORATIONS FOR PROFIT AND NON PROFIT ALLEGED TO HAVE BEEN COLLECTING THE PARTICIPANTS MEDICAL INFORMATION TO RECEIVE INCREASINGLY AMOUNTS OF FEDERAL DOLLARS ACCORDING TO TWO AUDIT REPORTS WHICH FOUND THAT EVERY TRANSACTION DID NOT IN ANY WAY BENEFIT THE PARTICIPANTS INCLUDING THE PETITIONERS/COMPLAINANTS. AND RECEIPT OF MEDICAL INFORMATION WHICH EACH NON PROFIT AND PROFIT CORPORATION OWNED BY GOVERNMENT, MAYOR WELLINGTON WEBB, CITY COUNCIL, DOCTORS, UNIVERSITY HOSPITAL, PROJECT SAFE REAL ESTATE AGENTS HUD OFFICIALS AND ATTORNEYS WERE NOT LEGALLY ENTITLED TO RECEIVE.

WHEREBY, THE PETITIONERS PRAY THIS PETITION IS GRANTED AND THE RESPONDENTS ARE THEREBY RESTRAINED FROM THE USE OF INFORMATION GIVEN TO THE OFFICE OF INSPECTOR GENERAL, BY THE PETITIONERS/COMPLAINANTS. THE PETITIONERS EXHAUSTED ALL REMEDIES AFFORDED BY THE U.S. CONSTITUTION.

I HEREBY CERTIFY THAT ON THIS 29TH DAY OF SEPTEMBER 2009 I PLACED IN THE U.S. MAIL A TRUE AND CORRECT COPY OF THE FOREGOING MOTION FOR TEMPORARY RESTRAINING ORDER (TRO) MOTION FOR CHANGE OF VENUE AND MOTION FOR PRODUCTION OF DOCUMENTS AND MOTION FOR COUNSEL TO THE FOLLOWING;

U.S. DISTRICT COURT
OFFICE OF THE CLERK
NASHVILLE, TENNESSEE 37203

DATED: 9-29-09

SIGNED: 

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